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Legislative Bulletin

An Official Publication of the Hilliard City Council

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Published under the authority of the City of Hilliard Charter and direction of the Clerk of Council. This Legislative Bulletin contains ordinances and resolutions considered by Council. If noted in ordinance text, supplemental and supporting documents, such as exhibits, are available upon request to the Clerk of Council's office, 3800 Municipal Way, Hilliard, Ohio 43026, at 614.876.7361, Ext. 789. Past issues are available at hilliardohio.gov

ORDINANCES

The First Reading of the following Ordinance was held on August 23, 2021. The Second Reading/Public Hearing is scheduled for September 13, 2021.

21-26 APPROPRIATING FUNDS FOR CIP T-86 COSGRAY ROAD EXTENSION AND AUTHORIZING THE EXPENDITURE OF FUNDS

WHEREAS, the City has identified the need for the extension of Cosgray Road south of Scioto Darby Road in its 2001 and 2011 Thoroughfare Plans; and

WHEREAS, the Cosgray Road Extension consists of improvement of the Scioto Darby Road intersection, extension of approximately 4,500 feet of arterial street through the property commonly referred to as the Jerman Property and a connection of the new street with Alton & Darby Creek Road north of Heritage Lakes Drive, including two roundabouts, street lighting, shared-use paths, pedestrian crossings, medians, landscaping, and stormwater best management practices in accordance with the Ohio EPA's Big Darby Creek Watershed permit requirements (the "Project"); and

WHEREAS, the Project is identified as CIP T-86 Cosgray Road Extension in the City's Capital Improvement Plan; and

WHEREAS, no funds were appropriated for the Project in the 2021 Capital Improvement Budget; and

WHEREAS, on March 8, 2021, Hilliard City Council passed Resolution No. 21-R-18 accepting the conveyance of the Jerman Property from the Hilliard Development Corporation (HDC); and

WHEREAS, HDC conveyed the Jerman Property to the City, in part, to enable the extension of Cosgray Road as well as expand recreation and park amenities adjacent to Hilliard Municipal Park; and

WHEREAS, the City desires to begin design of the Project in 2021 to enable the development of parkland on the city-owned property; and

WHEREAS, in order to begin design of the Project, an additional appropriation of \$500,000 is needed; and

WHEREAS, the City will introduce separate legislation later this fall authorizing the City Manager to enter into a professional services agreement for design of the Project; and

WHEREAS, additional funds to complete design of the Project will be included in the 2022 Capital Improvement Budget.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. An appropriation is made in the amount of \$500,000 from Capital Improvement Fund 304, Object 55 for CIP T-86 Cosgray Road Extension.

SECTION 2. An expenditure in an amount not to exceed \$500,000 is authorized from Fund 304, Object 55 to provide funds to begin design of CIP T-86 Cosgray Road Extension.

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21-26 continued:

SECTION 3. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract associated with expenditure of the funds.

SECTION 4. This Ordinance shall be in full force and effect at the earliest time provided by law.

The following Ordinances were passed on August 23, 2021.

21-20 REZONING 160.2 +/-ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF SCIOTO DARBY ROAD AND ELLIOTT ROAD FROM R-R, RURAL RESIDENTIAL TO HILLIARD CONSERVATION DISTRICT ("HCD"), TO BE KNOWN AS THE HILL FARM DEVELOPMENT.

WHEREAS, Hill Distributing Company (the "Owner") owns 204.6 ±acres of land located at the northwest corner of Scioto Darby Road and Elliott Road in Hilliard, identified as parcel number 053-000322 (formerly known as parcel number 120-001259) and 120-000335 by the Franklin County Auditor's Office (the "Hill Farm"); and

WHEREAS, the Owner desires to rezone approximately 160.067± acres of the Hill Farm to a planned development, as depicted and described on Exhibits "A" and "B", attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Owner submitted application number 21-0546LR to the City's Planning and Zoning Commission to rezone the Property from its current classification of R-R, Rural Residential to that of a Hilliard Conservation District ("HCD") to be identified as the Hill Farm HCD ("Hill Farm HCD"); and

WHEREAS, prior to submitting the application to the City's Planning and Zoning Commission, on April 13, 2021, the Big Darby Accord Review Panel approved of the Owner's development plan; and

WHEREAS, the Hill Farm HCD will permit a maximum of 229 single-family lots with a density of 1.12 dwelling units per acre; and

WHEREAS, as part of the Hill Farm development, the Owner/Developer will convey 77.4± acres of land to the City, including 44.4± located approximately 2,000 feet southwest of Elliott Road and approximately 3,700 feet north of Scioto Darby Road in Brown Township, identified as parcel number 120-000335 by the Franklin County Auditor's Office and as shown on Exhibit "C", **attached** hereto and incorporated herein, which the City will maintain, or cause to be maintained, as permanent public open space; and

WHEREAS, staff determined that the proposal is consistent with the goals and objectives of the Big Darby Accord Watershed Master Plan ("BDAWMP") and the City's Comprehensive Plan concerning land use, including the provision of ample open space with cohesive linkages, recreational trail development, prairie and ground water restoration, and preservation of wetland areas; and

WHEREAS, staff determined that the proposal provides a mix of residential housing products, including 'step-up' housing for current Hilliard residents, as recommended by the City's Comprehensive Plan, and provided a positive recommendation to the City's Planning and Zoning Commission; and

WHEREAS, on May 13, 2021, following its duly advertised public hearing, the Planning and Zoning Commission voted 7-0 to forward a positive recommendation to City Council to rezone the Property to "HCD" Hilliard Conservation District; and

WHEREAS, the Owner or Developer of the Property shall enter into a Development Agreement with the City for the construction, financing and phasing of public infrastructure improvements, and shall join a New Community Authority under Chapter 349 of the Ohio Revised Code, to finance the costs of certain public infrastructure improvements.

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21-20 continued:

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. Council finds that the proposal is consistent with the goals and objectives of the Big Darby Accord Watershed Master Plan ("BDAWMP") and the City's Comprehensive Plan concerning land use, including the provision of ample open space with cohesive linkages, recreational trail development, prairie and ground water restoration, preservation of wetland areas, and provides the City with unique and diverse housing opportunities for its residents. Council also finds that application of a ten percent density credit to the Hill Farm HCD is justified given that the open space provided by the development is more than the 50% required by the BDAWMP and by the City's Code.

SECTION 2. The 160.067+/- acres of Property owned by the Hill Distributing Company, located at the northwest corner of Scioto Darby Road and Elliott Road in Hilliard, the graphical depiction and legal description of which are **attached** hereto as Exhibits "A" and Exhibit "B" respectively, and incorporated by reference herein, is rezoned from R-R, Rural Residential to "HCD" Hilliard Conservation District pursuant to Chapter 1115 of the City's Codified Ordinances.

SECTION 3. The 77.4+/- acres of land to be conveyed to the City as shown on Exhibit "C" is approved.

SECTION 4. The Hill Farm HCD Development Standards Text dated June 15, 2021, and the Development Plan dated June 15, 2021, **attached** hereto as Exhibits "D" and "E" respectively (collectively, "The Hill Farm HCD Plans and Text"), and incorporated by reference herein, are approved.

SECTION 5. The Owner/Developer of the Property shall enter into a Development Agreement with the City, subject to Council approval, for the construction and phasing of public infrastructure improvements, and shall join a New Community Authority under Chapter 349 of the Ohio Revised Code, to finance the costs of certain public infrastructure improvements as identified in the Development Agreement.

SECTION 6. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

21-21 AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH M/I HOMES OF CENTRAL OHIO LLC (HILL FARM DEVELOPMENT).

WHEREAS, the M/I Homes of Central Ohio LLC (the "Developer") owns or is in the process of acquiring 204.4676 ± acres of land in the City of Hilliard, identified as Parcel Nos. 053-000322 and 120-000335 by the Franklin County Auditor's Office, as depicted on Exhibit "A") (collectively, the "Hill Farm"); and

WHEREAS, 160.067 ± acres of the Hill Farm are within the corporate boundaries of the City of Hilliard (the "Developer's Property") and the remaining 44.4 ± acres are outside the City's corporate limits; and

WHEREAS, on August 23, 2021, City Council approved Ordinance No. 21-20 rezoning the Developer's Property from R-R, Rural Residential to HCD, Hilliard Conservation District ("Hill Farm Development"); and

WHEREAS, the Developer desires to purchase the Hill Farm, in order to construct 229 detached single-family dwellings on the Developer's Property; and

WHEREAS, the Developer desires to enter into a Development Agreement with the City regarding construction of all public infrastructure improvements necessitated Hill Farm Development, consistent with the development text and plans and the requirements of the City Engineer; and

WHEREAS, the City and the Developer have agreed to the terms of a Development Agreement, attached hereto and incorporated herein as Exhibit "A", which requires the Developer to construct necessary public infrastructure improvements and to dedicate those public infrastructure improvements to the City for public use.

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21-21 continued:

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City Manager is authorized to enter into a Development Agreement with the M/I Homes of Central Ohio LLC for the construction and installation of public infrastructure improvements, in a form substantially similar to the one **attached** hereto as Exhibit "A" and incorporated herein, with such non-material and non-adverse changes to the City as may be deemed appropriate by the City Manager and Director of Law, with her execution thereof on behalf of the City constituting conclusive evidence of Council's approval of such changes.

SECTION 2. The reference to "Owner" and "Developer" as used in this Ordinance, shall refer to any entity in control of the Property that submits plans to the City to develop the Hill Farm Development and is issued a building permit.

SECTION 3. This Ordinance shall be in effect from and after the earliest time provided for by law.

21-24 AMENDING THE APPROPRIATION OF FUNDS FOR THE EXPENSES OF THE CITY; AND AUTHORIZING AN EXPENDITURE.

WHEREAS, pursuant to Section 6.10 of the Charter of the City of Hilliard, council may amend the appropriation ordinance, provided the ordinance as amended does not authorize the expenditure of more revenue than is estimated; and

WHEREAS, by the passage of Ordinance No. 20-28 on November 23, 2020, Council adopted the City's 2021 Operating Budget; and

WHEREAS, due to the loss of revenue expected to the City because of COVID-19, all Directors, members of City Council, and members of the City's various boards and commission members had their pay frozen for the 2021 budget; and

WHEREAS, because income tax revenues are higher than expected, the City desires to increase the Directors wages by 2%, and increase the compensation of members of City Council and members of the City's various boards and commission members as established under Ordinance No. 15-39 (Amended) retroactively to January 1, 2021; and

WHEREAS, in order to fund the additional pay increases for the City's Directors, members of City Council, and members of the City's various boards and commission members, the City is requesting a total appropriation of \$36,279.31 \$47,461.52 from the following funds:

- \$31,416.80 \$42,599.01 from Fund 101, Object 51
- \$1,844.30 from Fund 202, Object 51
- \$1,338.21 from Fund 283, Object 51
- \$ 560.00 from Fund 266, Object 51
- \$ 560.00 from Fund 267, Object 51
- \$ 560.00 from Fund 269, Object 51

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

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21-24 continued:

SECTION 1. An appropriation is made in the amount of \$36,279.31 \$47,461.52 in the following amounts to provide funds for the pay increases:

- \$31,416.80 \$42,599.01 from Fund 101, Object 51
- \$1,844.30 from Fund 202, Object 51
- \$ 1,338.21 from Fund 283, Object 51
- \$ 560.00 from Fund 266, Object 51
- \$ 560.00 from Fund 267, Object 51
- \$ 560.00 from Fund 269, Object 51

SECTION 2. An expenditure in the amount not to exceed \$36,279.31 \$47,461.52 is authorized for Funds 101, 202, 283, 266, 267, & 269 to provide funds for Directors wages increase.

SECTION 3. This Ordinance shall be in full force and effect at the earliest time provided by law.

21-25 AUTHORIZING THE CITY MANAGER TO ENTER INTO A REAL ESTATE OPTION TO PURCHASE AGREEMENT WITH THE HILLIARD DEVELOPMENT CORPORATION FOR THE SALE OF 6248 ROBERTS ROAD

WHEREAS, this City owns property at 6248 Roberts Road, Hilliard, County of Franklin, State of Ohio with Franklin County parcel identification number 050-011019-00 and a portion of parcel number 050-011018-00 (the "Roberts Road House"); and

WHEREAS, on July 12, 2010, City Council passed Ordinance No. 10-24 rezoning 50.074 acres of land located on the north side of Roberts Road and East of Alton Darby Road to a Planned Unit Development permitting single family and multi-family dwelling units ("Anderson Meadows"); and

WHEREAS, Schottenstein Homes, LLC (the "Developer") was required to make a parkland dedication of 7.95 acres to the City of Hilliard; and

WHEREAS, the Developer's parkland contribution included 7.4 acres of park land which included the farm house at 6248 Roberts Road and 22.8 acres of off-site open space; and

WHEREAS, the City of Hilliard has designated the Hilliard Development Corporation, a community improvement corporation, as its agency and instrumentality for industrial, commercial, distribution and research development in the City; and

WHEREAS, the Hilliard Development Corporation is interested in entering into a real estate Option to Purchase Agreement for the Roberts Road House; and

WHEREAS, in accordance with Section 151.03 of the City's Codified Ordinances, the City Manager has determined the Roberts Road House to be surplus to the needs of the City; and

WHEREAS, it is in the best interest of the City to enter into an Option to Purchase Agreement for the sale of the Roberts Road House to the Hilliard Development Corporation.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The City Manager is authorized to enter into a real estate Option to Purchase Agreement for the sale of 6428 Roberts Road with the Hilliard Development Corporation, in substantially the form of the Option to Purchase (the

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21-25 continued:

"Option"), attached hereto as Exhibit "A", with such changes as authorized by the City Manager and Director of Law that are not inconsistent with the terms of this Ordinance and not adverse to the City.

SECTION 2. The City Manager is authorized to enter into any agreements or to execute and deliver any documents, certificates or approvals that are necessary or appropriate as provided for in the Option in furtherance of the sale of the Roberts Road House to the Hilliard Development Corporation.

SECTION 3. This Ordinance shall take effect and be in force from the earliest time provided by law.

RESOLUTIONS

The following Resolutions were passed by Hilliard City Council on August 23, 2021.

21-R-53 AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT A GRANT FROM THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION AND ENTER INTO AGREEMENTS AS NECESSARY TO RECEIVE AND EXPEND THE GRANT FUNDS IF AWARDED

WHEREAS, The U.S. Department of Commerce's Economic Development Administration (EDA) plays a critical role in facilitating regional economic development efforts in communities across the nation; and

WHEREAS, EDA makes planning and local technical assistance investments to support economic development, foster job creation, and attract private investment in economically distressed areas of the United States; and

WHEREAS, Quality Commercial Development is one Hilliard City Council's Strategic Focus Areas which states that the City will create and implement an economic development plan focused on the attraction, retention, growth and creation of businesses and jobs that provide a strong tax base and quality development.

WHEREAS, Hilliard City Council passed Ordinance No. 20-28 which appropriated funds for the expenses of the City which included \$65,000 to complete the Hilliard Economic Development Plan (Plan); and

WHEREAS, the City of Hilliard would benefit from expanding the scope of its Plan to identify best practices to improve our community's economic resiliency, provided that \$50,000 from EDA's Planning and Local Technical Assistance Program is awarded; and

WHEREAS, pursuant to Ordinance No. 20-28, funds deposited into the City's grant account are deemed appropriated upon deposit into Fund 250, Object 53, and pursuant to the City's Charter, authorization to enter into necessary agreement and expend the grant funds may be made by Resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, that:

SECTION 1. Council finds that for the general health, welfare and safety of its citizen, the City Manager is authorized to apply for a grant from the EDA in an amount not to exceed \$50,000 to fund the Hilliard Economic Development and Recovery Strategy.

SECTION 2. If awarded funds, the City Manager is further authorized to enter into agreements and sign documents as may be necessary and appropriate to receive and expend grant funds in a manner consistent with the grant award.

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21-R-53 continued:

SECTION 3. This Resolution is effective upon its adoption.

21-R-54 APPOINTMENT OF COMPREHENSIVE PLAN UPDATE STEERING COMMITTEE MEMBERS

WHEREAS, Hilliard City Council desires to create a Comprehensive Plan Update Steering Committee to make recommendations to City Council on various matters, including, but not limited to, updates to the Comprehensive Plan that was last updated in 2011 and other related plan development and/or updates, all for the betterment of the City and its residents; and

WHEREAS, by establishing this Steering Committee, Council desires to place additional emphasis on and increased community input into the update of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard that:

SECTION 1. Hilliard City Council hereby appoints community members, as listed on Exhibit A, attached hereto and incorporated herein, to serve on the Comprehensive Plan Steering Committee.

SECTION 2. This Resolution is effective upon its adoption.

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